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The Honorable Tom Harkin
Chairman, Health, Education, Labor & Pensions Committee
United States Senate
Washington, DC 20510

**Re: Over 200 National, State, and Local Organizations Ask Congress to
Protect Schoolchildren from Dangerous Restraint & Seclusion (S. 2036)**

Dear Senator Harkin,

We support your bill, the Keeping All Students Safe Act, S. 2036. We believe it is time for a national policy addressing restraint and seclusion in our nation's schools for all children. In 2009, a Government Accountability Office (GAO) study found that children were injured, traumatized, and even killed through restraint and seclusion in schools. In March 2012, data released by the Department of Education showed that nearly 40,000 students were physically restrained during the 2009-10 school year; 70% of whom were students with disabilities. The data also showed that these practices are disproportionately used upon minority students. Your recent Senate investigation found that under current law, families have little or no recourse against the use of restraint or seclusion, even when their child has died or been harmed.

There have also been numerous news reports of students harmed by seclusion and restraint. The vast majority of states do not protect children from dangerous seclusion and restraint. Only 14 states by law limit physical restraint of all children to emergencies where it is necessary to protect someone from imminent physical danger or serious physical danger. Similarly, 1 state bans seclusion of all children; 4 ban seclusion of children with disabilities, and only another 10 limit seclusion to physical safety emergencies. While federal law protects children and adults from the use of restraints and seclusion in hospitals, no similar federal law exists to protect children in schools. We urge Congress to pass the Keeping All Students Safe Act bill (S. 2036), and create minimum restraint and seclusion standards in schools that will protect all children.

The Keeping All Students Safe Act will promote a shift toward preventing problematic behavior through the use of de-escalation techniques, conflict management and evidence-based positive behavioral interventions and supports.

This shift will help school personnel understand the needs of their students and safely address the source of challenging behaviors – a better result for everyone in the classroom. In many cases, the use of positive supports and interventions greatly diminishes and even eliminates the need to use restraint and seclusion. For example, the Centennial School in Pennsylvania, which serves children in 35 school districts, has cut the use of restraint and seclusion from well over 1,000 occurrences per year to less than ten through the use of positive supports. Likewise, Montgomery County, Virginia Public Schools use “easily accessible, evidence-based practices” that enable busy school personnel to prevent disruption and crises as much as possible. These less restrictive measures work. In 2012, 86 percent of the district's students with individual positive behavioral support plans made “very significant” behavioral advances,” with crisis-level behaviors falling by 78% and targeted problem behaviors by 81%. Aside from the typical scrapes that occur between children in any public school setting, students with PBS plans injured no adults or children,” according to Senate testimony.¹ Reports and studies have also shown that students and staff are safer when positive interventions and supports, rather than restraint and seclusion, are used in schools.

S. 2036 will protect all children in school. It will ensure that physical restraints are used only in emergencies posing an imminent threat of physical danger. If less restrictive and dangerous measures like de-escalation, conflict management, and positive behavioral supports will prevent the threat, the bill will require that they be used. The bill will protect children from hazardous seclusion by banning it. It will require prompt parental notification. Only 20 states require parents of all children be informed of restraint and seclusion use today. It will ban the use of restraints that impede breathing or that are otherwise dangerous to children or staff. The bill will enable parents to seek a court order stopping the use of dangerous restraint or seclusion without exhausting administrative remedies and further delaying relief. The bill will ensure that staff are properly trained in evidence-based methods to minimize the use of restraint and seclusion and to protect children and staff. The bill will require data collection and reporting.

We ask Congress to pass the Keeping All Students Safe Act and make our schools safer for students and staff. America needs more than the current patchwork of state laws to ensure that every child is afforded protection.

For more information about this letter, please contact Jessica Butler, Congressional Affairs Coordinator, Autism National Committee, jessica@jnba.net (www.autcom.org).

¹ Testimony of Cyndi Pitonyak, Coordinator of Positive Behavior Interventions and Supports for Montgomery County, Virginia Public Schools; *Beyond Seclusion and Restraint: Creating Positive Learning Environments for All Students, Hearings before the Senate Comm. on Health, Education, Labor, and Pensions*, 112th Congress (July 12 2012).

NATIONAL ORGANIZATIONS

Advocacy Institute

American Academy of Child and Adolescent Psychiatry

American Association on Health and Disability

American Psychiatric Association

Association of University Centers on Disabilities

Autism National Committee (AutCom)

Autism Society of America

Autistic Self Advocacy Network

Bazelon Center for Mental Health Law

Center for Law and Education

Center for Public Representation

Conference of Educational Administrators of Schools
and Programs for the Deaf

Council for Children with Behavioral Disorders (CCBD)

Council of Parent Attorneys and Advocates, Inc.

Depression and Bipolar Support Alliance (DBSA)

Disability Rights Education & Defense Fund

Dup15q Alliance, Inc.

Epilepsy Foundation

Exceptional Parent

Families Against Restraint and Seclusion

Family Network on Disabilities

Family Voices USA

Gay Lesbian & Straight Education Network (GLSEN)

Higher Education Consortium for Special Education

Learning Disabilities Association of America

National Association of Councils on Developmental Disabilities

National Association of County Behavioral Health and Developmental
Disability Disorders

National Association of State Mental Health Program Directors

National Autism Association

National Center for Learning Disabilities

National Council of La Raza

National Disability Rights Network
 National Down Syndrome Congress
 National Empowerment Center
 National Federation of Families for Children’s Mental Health
 National Fragile X Foundation
 National Organization for Women Foundation
 National Organization of Nurses with Disabilities (NOND)
 OurChildrenLeftBehind.Com
 Pacer Center
 Prader-Willi Syndrome Association (USA)
 Self-Advocates Becoming Empowered (SABE) Board
 Southern Poverty Law Center
 Specialized Training Of Military Parents (STOMP)
 TASH
 Teacher Education Division of the Council on Exceptional Children
 The Arc of the United States
 The National Alliance on Mental Illness
 The National Council on Independent Living (NCIL)
 Tourette Syndrome Association, Inc.
 United Cerebral Palsy
 William Kellibrew Foundation
 Wrightslaw
 Witness Justice
 Parents and Teachers Against Violence in Education, Inc.
 Lichtenstein Creative Media, Inc.
 Pediatric Stroke Network, Inc.
 Boat People SOS, Inc.

STATE ORGANIZATIONS

STATE

California Association for Parent-Child Advocacy (CAPCA)	CA
Disability Rights California	CA
Families For Early Autism Treatment	CA
Independent Living Resource Center, Inc.	CA

Educate. Advocate.	CA
Learning Rights Law Center	CA
AdvocacyDenver	CO
The Arc of Colorado	CO
Arc Thriftstores of Colorado	CO
Colorado Cross Disability Coalition	CO
Community Link	CO
CP of Colorado	CO
Easter Seals of Colorado	CO
Family Voices Colorado	CO
Mental Health America of Colorado	CO
Rocky Mountain Down Syndrome Association	CO
The Arc of Aurora (CO)	CO
The Arc of the Pikes Peak Region	CO
Connecticut Parent Advocacy Center	CT
Connecticut Parent's Union	CT
SpEd Connecticut, Inc.	CT
Autism Spectrum Differences Institute of New England, Inc.	CT
Advocates for Justice and Education	DC
The Arc of South Carolina	DC
Governor's Advisory Council for Exceptional Citizens	DE
Center for Independent Living of South Florida, Inc.	FL
disAbility Solutions for Independent Living	FL
Legal Aid Society of Palm Beach County	FL
Reveresco ABA Therapy	FL
Southern Legal Counsel, Inc.	FL
The Arc of Georgia	GA
Parent to Parent of Georgia	GA
Georgia Families Against Restraint and Seclusion	GA
Apraxia in Metro Atlanta	GA
Gwinnett SToPP	GA
Hawaii Disability Law Center	HI
Hawai'i Parents Special Education Advisory Council (HIP-SEAC)	HI

Autism Society of Hawaii	HI
Autism Bridges Maui	HI
Disability Rights Iowa	IA
Iowa School Social Work Association	IA
Tri State Down Syndrome Network	IA
Mental Health America of Illinois	IL
Mental Health Summit of Illinois	IL
Illinois School Counselor Association	IL
LIFE Center for Independent Living	IL
Illinois Children’s Mental Health Partnership	IL
Mothers on a Mission, Inc.	IL
Special Kids, Special Families	IL
The Arc of Indiana	IN
Disability Rights Center of Kansas	KS
Kentucky Protection & Advocacy	KY
The Arc of Kentucky	KY
Advocacy Center (Louisiana Protection & Advocacy System)	LA
Disability Law Center (of Massachusetts)	MA
The Arc of Massachusetts	MA
Independent Living Center of the North Shore & Cape Ann, Inc.	MA
Mental Health Legal Advisors Committee Massachusetts	MA
Maryland Disability Law Center	MD
Maryland Education Advocacy Coalition for Students with Disabilities	MD
Maryland Coalition for Inclusive Education	MD
LDA of St. Mary's County	MD
Parent Advocacy Network for Differently-Abled	MD
Disability Rights Center Maine	ME
Maine Developmental Disabilities Council	ME
Maine Parent Federation, Inc.	ME
The Arc Michigan	MI
Michigan Protection and Advocacy Services Inc.	MI
Michigan Developmental Disabilities Council	MI
Michigan Association of Community Mental Health Boards	MI

The Arc of Northwest Wayne County	MI
The Respect ABILITY Law Center	MI
Michigan Alliance for Special Education	MI
Michigan Disability Rights Coalition	MI
Minnesota Disability Law Center of Mid-Minnesota Legal Aid (Minnesota Protection & Advocacy Center)	MN
Autism Society of Minnesota	MN
Minnesota Governor's Council on Developmental Disabilities	MN
Minnesota State Council on Disability	MN
The Arc Minnesota	MN
Down Syndrome Association of Greater St. Louis	MO
Missouri Developmental Disabilities Council	MO
Disability Rights Mississippi	MS
Just Advocacy of Mississippi	MS
Mississippi Center for Justice	MS
Mississippi Families as Allies	MS
Mississippi Psychiatric Association	MS
Parents United Together	MS
The Arc of Mississippi	MS
ADAPT Montana	MT
Parents, Let's Unite for Kids - PLUK	MT
Disability Rights North Carolina	NC
Council for Children's Rights	NC
Monarch/The Arc of Stanly County	NC
Tammy Lynn Center for Developmental Disabilities	NC
The Arc of Davidson County, North Carolina	NC
Disability Rights New Jersey	NJ
Education Law Center	NJ
Epilepsy Foundation of New Jersey	NJ
Learning Disabilities Association of New Jersey	NJ
New Jersey Association of Mental Health and Addiction Agencies, Inc.	NJ
New Jersey Coalition for Inclusive Education, Inc.	NJ
New Jersey PTA	NJ

New Jersey Special Education Practitioners	NJ
NJ Association of School Psychologists (NJASP)	NJ
Special Education Leadership Council of NJ	NJ
Statewide Parent Advocacy Network	NJ
The Arc of New Jersey	NJ
Family Voices New Jersey	NJ
Autism Family Services of New Jersey	NJ
Millburn-Short Hills (NJ) Parent Education Committee-MSPEC	NJ
Total Living Center, Inc.	NJ
Pegasus Legal Services for Children	NM
Advocacy for Children with dis-Abilities	NM
The Center for Self Determination	NV
Center on Human Policy at Syracuse University	NY
New York Association on Independent Living	NY
New York State Independent Living Council	NY
NYSARC	NY
Everyone Reading, Inc.	NY
Independent Living Center of the Hudson Valley Inc. (ILCHV)	NY
Independent Living Inc.	NY
Jonathan Carey Foundation	NY
Southern Tier ADAPT	NY
Southern Tier Independence Center	NY
Westchester Independent Living Center	NY
The Arc of Ohio	OH
4p- Support Group	OH
Association of Oregon Community Mental Health Programs	OR
The Arc of Pennsylvania	PA
Rhode Island Parent Information Network	RI
Protection and Advocacy for People with Disabilities - South Carolina	SC
Camp T.A.L.K.	SC
The Arc of Pickens County, SC	SC
The Arc Tennessee	TN
The Arc of Davidson County, Tennessee	TN

National Autism Association of North Texas	TX
Texas Network of Youth Services	TX
DFW Interfaith Coffee House	TX
Disability Law Center of Utah	UT
Special Needs Resource Project	UT
The Arc of Virginia	VA
Virginia Association of Centers for Independent Living	VA
Endependence Center, Inc.	VA
JustChildren Program (Legal Aid Justice Center)	VA
Autism Society of Northern Virginia	VA
Autism Society of Central Virginia	VA
disAbility Resource Center	VA
PELE Special Education Advocacy Clinic, William & Mary Law School	VA
The Arc of Central Virginia	VA
The Arc of Northern Virginia	VA
Disability Rights Vermont, Inc. (Vermont's P&A)	VT
Vermont Coalition for Disability Rights	VT
Disability Law Project of Vermont Legal Aid, Inc.	VT
Vermont Center for Independent Living	VT
Vermont Family Network	VT
Vermont Federation of Families for Children's Mental Health	VT
PAVE – Partnerships for Action, Voices for Empowerment	WA
Washington State Developmental Disabilities Council	WA
Autism Society of Washington	WA
Disability Rights Wisconsin	WI
Wisconsin Family Assistance Center for Education, Training and Support, Inc. (WI FACETS)	WI
Parents Helping Parents of WY, Inc	WY